IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

DANIEL CLATE ACKER,

Petitioner,

V.

DIRECTOR, TDCJ-CID,

Respondent.

CIVIL ACTION NO. 4:06-cv-469

ORDER

Before the court is Petitioner's post-petition motion for leave to conduct discovery (docket entry #73). Rule 6(a) of the Rules Governing Section 2254 Cases provides that a "judge may, for good cause shown, authorize a party to conduct discovery." On the other hand, in determining whether the motion should be granted, the court must consider the Antiterrorism and Effective Death Penalty Act ("AEDPA"). Under AEDPA, a court's review under 28 U.S.C. "§ 2254(d)(1) is limited to the record that was before the state court that adjudicated the claim on the merits." *Cullen v. Pinholster*, 131 S. Ct. 1388, 1398 (2011). At this juncture, the court does not see any justification for expanding the record via discovery. It is therefore

ORDERED that Petitioner's post-petition motion for leave to conduct discovery (docket entry #73) is **DENIED**, subject to reconsideration should the court decide discovery is appropriate.

Also before the Court are Petitioner's unopposed motions for a ruling (docket entry nos. 86 and 87). A ruling will be issued as soon as the court's schedule permits. It is therefore

ORDERED that Petitioner's unopposed motions for a ruling (docket entry nos. 86 and 87) are **GRANTED** and a ruling will be issued as soon as the court's schedule permits. The undersigned judge recently assumed senior status, enabling this judge to finally reduce his courtroom hours and turn the court's attention to long-pending matters such as this habeas action.

SIGNED this the 7th day of August, 2015.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE